

Formation of the McKin Co. TAG: The Superfund Site Citizens' Advisory Group (SAG) Coordinator's Perspective

Note: This document was prepared by some of the stakeholders involved in the convening and mediation processes and provides more details about the history of the site.

The local community became concerned in 1995 after the pump and treat system was shut down for review. Concerns intensified after the pump and treat system was permanently shut down and the PRPs stated that it was technically impracticable to clean up the ground water to the performance standards set forth in the ROD and remove TCE from the Royal River, which has been contaminated by the McKin site. In early 1997, the agencies and the PRPs initiated a convening process to determine the likelihood of success and design of a mediation process to resolve McKin-related issues. During this convening process, several members of the local community were interviewed. Based on those interviews, several of these community members decided that they wanted to participate actively in the mediation process, but lacked the wherewithal to do so. The key thing they lacked was technical advice. They were informed that a technical assistance grant could provide them with the technical advice they needed. However, they had not even formed a group yet and felt they did not have the time or inclination to form the non-profit organization required by the TAG application process.

Two of the interested members of the local community were representatives of water utilities. These members also belonged to an organization called the Maine Rural Water Association (MRWA). The MRWA is a non-profit organization that has experience applying for and administering grants like a TAG. At the interested local community members' request, the MRWA worked with them to form the SAG and apply for the TAG. The SAG was formed in April 1997. The group had its first meeting in May and submitted its TAG application in June. The TAG application was approved in early September.

The mediation process got under way in the May/June time frame. Many stakeholders in the mediation process were anxious for the SAG to participate actively in the mediation process and were frustrated with delays associated with the EPA's review of the SAG's TAG application. **The first key point I would like to raise is that the TAG applicant should anticipate that it will take some time for the EPA to review its TAG application and should allow for this approval period when planning and scheduling its activities. I would urge TAG applicants to focus on getting their applications in as soon as possible. The sooner the application is in, the sooner the TAG recipient will be able to hire a technical advisor and begin activities in earnest.**

The SAG is made up of 10 members: six local citizens who live at varying distances from the site; representatives of two water utilities; and two representatives of a group called the "Friends of the Royal River." The spectrum of interests represented on the SAG is quite broad. The interests of the local citizen vary depending on where they live relative to the site. Some live

over one of the plumes of contamination. Others live at varying distances from the plumes. Where they live directly affects (1) how the value of their property has been affected by the site and (2) how the proposed solutions in the mediation negotiations will affect them. Some are more concerned about property values; others focus more on the environmental aspects of the site. The representatives of the Friends of the Royal River who are SAG members are obviously concerned about the river and its inhabitants and surroundings. Even the representatives of the two water utilities have somewhat different focuses. One water utility is responsible for providing service to citizens whose wells have been affected by the site. The other water utility has charter rights to use the Royal River as a source of supply. As you can see, the SAG's membership is quite diverse and the interests reflected within the group are also diverse. **Key point #2 is that, in my opinion, diversity within the TAG recipient's membership is good and should not be discouraged or avoided. The diversity within the SAG reflects the diversity within the local community. I believe this diversity has two significant positive implications. First, it lends credibility to the group. Rather than being seen as a group that simply represents another special interest in the mediation process, the SAG is viewed more as a representative of the local community at large. Second, the diversity of interests represented within the SAG elevates the level of discussion within the SAG which in turn allows the SAG to participate as a more credible voice when interacting with stakeholders in the mediation process.**

One thing I am quite proud of is how quickly the SAG acted once it received its TAG approval. In less than 60 days, the SAG issued an RFP for technical advisors, reviewed proposals, selected three finalists, interviewed the finalists, selected a winner, negotiated a contract with the winner, submitted the contract for EPA approval and received EPA approval of the contract. This quick work allowed the SAG to participate in major negotiations in the mediation process during the final three months of 1997. While many of the stakeholders in the mediation process were unhappy with how long it took the EPA to review the SAG's TAG application, I think all of these stakeholders were impressed with how quickly the SAG became involved once the TAG was finally awarded.

One of the first things the SAG did after it hired its technical advisors was create a list of written ground rules. These ground rules do such things as define a quorum, discuss voting procedures, define the group's decisionmaking process, and clarify how the group and its members may participate in the mediation process. Appended to the ground rules are protocols which define the technical advisors' decisionmaking authority and how they may participate on behalf of the SAG in the mediation process. **Key point #3, I believe that ground rules such as these are necessary to make sure everyone has the same understanding and expectation about how the TAG recipient will operate. Ground rules are important to a TAG recipient's member because their creation forces the group to explicitly reach agreement on how the group will operate and what each of their responsibilities are. Written ground rules are also important when dealing with the public.** For instance, there was some confusion among some Town officials as to whom the SAG's technical advisors reported to. These Town officials felt that they should have direct control the SAG's technical advisors. In response, the SAG (1) explained that such a result was prohibited by the rules governing the use of TAG funds and (2) drafted a protocol which clearly stated the relationship of the technical advisors to the SAG and

the technical advisors' responsibilities and authority. As soon as this protocol was written and shared with the Town officials in question, the confusion disappeared.

The SAG recognizes that one of its principal responsibilities is help the local community understand what is going on at the site and to respond to questions about the site. To meet this responsibility, the SAG has developed a two-phased public education plan. Phase one is the information gathering phase during which the SAG finds out from the local community what its McKin-related interests and questions are. Phase two is the implementation phase during which the SAG provides the local community with the information it desires.

An important component of phase one was the document entitled "McKin Superfund Site Public Information Plan and Request for Comments" (attached) which the SAG distributed to over 650 members of the local community and other persons who had expressed an interest in the site. Included with this document was a check-off card on which respondents could indicate their areas of interest and priorities. The SAG received approximately 50 check-off card responses and the results were interesting and informative. **Key point #4 is that the TAG recipient shouldn't assume it knows exactly what the local community's public information needs are. The TAG recipient should take the time to find out what the community wants to know about the site in question before it begins to meet those needs.** The SAG was tempted to start informing the public about the site as soon as the SAG received its TAG award. However, the SAG decided to first investigate what the community wanted to know about the site. By doing so, the SAG was better able to respond to the local community's higher priority questions. For instance, the SAG heard requests from the local property owners, prospective buyers and real estate agents about how the McKin site would affect property values near the site. The subject of the SAG's first public information document was therefore targeted at current and potential land owners in the area and was distributed accordingly.

After the SAG conducted the information gathering phase of its public education plan (during which the SAG determined what the local community wanted to know about the site), the SAG began the implementation phase of its plan (during which it will respond to the specific public information needs of the community). A copy of the SAG's first fact sheet is attached to this memo. The SAG hopes to issue an additional fact sheet every six to eight weeks. The SAG has developed a database of names and addresses of people who have expressed an interest in the SAG's activities. The SAG will send copies of these fact sheets to people in this database. The SAG has also arranged with a local newspaper to have its fact sheets published in the paper. In addition to these fact sheets, the SAG is considering other ways to convey information to the public. One alternative vehicle that the SAG is considering is the creation of a McKin web site.

The SAG is also actively involved in the McKin site mediation process. As is specified in the SAG's ground rules. The SAG itself is not a stakeholder in the mediation and will not vote on specific issues or a final comprehensive package during the negotiations. Instead, the SAG, through its technical advisors, provides substantive and procedural input to the process. For instance, the SAG's technical advisors attend meetings of the mediation group's Technical Subcommittee and provide an additional perspective to matters being discussed. The SAG hopes that the participation of its technical advisors will improve the final result of the mediation process. Dottie, I hope you find these comments useful. If there is more about the SAG you wish

to know, or if you have any questions about this letter, please contact me at the addresses and numbers listed below. As I told you over the phone, I think the idea of a TAG internet site is a great one. I know it would have made the SAG's formation easier. Good luck with it!!

Sincerely,

Chris Simpson
SAG Coordinator
251 Head Tide Road
Whitefield, Maine 04353
(phone) (207)549-3876
(fax) (207)549-3876
(email) Lsimpson@gwi.net